

STAYED, TYPE I-FOIA

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:17-cv-01771-EGS**

COMPETITIVE ENTERPRISE INSTITUTE v. UNITED  
 STATES DEPARTMENT OF JUSTICE  
 Assigned to: Judge Emmet G. Sullivan  
 Cause: 05:552 Freedom of Information Act

Date Filed: 08/30/2017  
 Jury Demand: None  
 Nature of Suit: 895 Freedom of  
 Information Act  
 Jurisdiction: U.S. Government Defendant

**Plaintiff**

**COMPETITIVE ENTERPRISE  
 INSTITUTE**

represented by **Sam Kazman**  
 COMPETITIVE ENTERPRISE  
 INSTITUTE  
 1310 L Street NW  
 7th Floor  
 Washington, DC 20005  
 (202) 331-2265  
 Fax: (202) 331-0640  
 Email: [sam.kazman@cei.org](mailto:sam.kazman@cei.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Charles Devin Watkins**  
 COMPETITIVE ENTERPRISE  
 INSTITUTE  
 1310 L Street NW  
 7th Floor  
 Washington, DC 20005  
 (202) 331-2278  
 Fax: (202) 331-0640  
 Email: [devin.watkins@cei.org](mailto:devin.watkins@cei.org)  
**ATTORNEY TO BE NOTICED**

**Hans Frank Bader**  
 COMPETITIVE ENTERPRISE  
 INSTITUTE  
 1310 L Street NW  
 7th Floor  
 Washington, DC 20005  
 (202) 331-2278  
 Fax: (202) 331-0640  
 Email: [hans.bader@cei.org](mailto:hans.bader@cei.org)  
**TERMINATED: 10/13/2017**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
 JUSTICE**

represented by **Paul Cirino**  
 U.S. ATTORNEY'S OFFICE FOR THE  
 DISTRICT OF COLUMBIA  
 555 Fourth Street, NW  
 Washington, DC 20530  
 (202) 252-2529  
 Fax: (202) 252-2599  
 Email: [paul.cirino@usdoj.gov](mailto:paul.cirino@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Damon William Taaffe**

U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
Civil Division  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2544  
Fax: (202) 252-2599  
Email: [damon.taaffe@usdoj.gov](mailto:damon.taaffe@usdoj.gov)  
TERMINATED: 09/28/2018

**Joshua M. Kolsky**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2541  
Fax: (202) 252-2599  
Email: [joshua.kolsky@usdoj.gov](mailto:joshua.kolsky@usdoj.gov)  
TERMINATED: 12/07/2018

**Sherri L. Morgan**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2538  
Email: [sherri.morgan@usdoj.gov](mailto:sherri.morgan@usdoj.gov)  
TERMINATED: 09/28/2018

Date Filed	#	Docket Text
08/30/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE ( Filing fee \$ 400 receipt number 0090-5096060) filed by COMPETITIVE ENTERPRISE INSTITUTE. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for the U.S. Attorney, # <u>3</u> Summons for the Department of Justice, # <u>4</u> Summons for the Attorney General)(Bader, Hans) (Entered: 08/30/2017)
08/30/2017		Case Assigned to Judge Emmet G. Sullivan. (sth) (Entered: 08/31/2017)
08/31/2017	<u>2</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 08/31/2017)
08/31/2017	<u>3</u>	Corporate Disclosure Statement by COMPETITIVE ENTERPRISE INSTITUTE. (Bader, Hans) (Entered: 08/31/2017)
08/31/2017	<u>4</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 08/31/17. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 08/31/2017)
09/06/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 9/6/2017, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/6/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/6/2017. ( Answer due for ALL FEDERAL DEFENDANTS by 10/6/2017.) (Bader, Hans) (Entered: 09/06/2017)
09/14/2017	<u>6</u>	NOTICE of Appearance by Damon William Taaffe on behalf of UNITED STATES DEPARTMENT OF JUSTICE (Taaffe, Damon) (Entered: 09/14/2017)
10/06/2017	<u>7</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF JUSTICE.(Taaffe, Damon) (Entered: 10/06/2017)

10/13/2017	<u>8</u>	NOTICE of Appearance by Sam Kazman on behalf of COMPETITIVE ENTERPRISE INSTITUTE (Kazman, Sam) (Entered: 10/13/2017)
10/13/2017	<u>9</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to COMPETITIVE ENTERPRISE INSTITUTE. Attorney Hans Frank Bader terminated. (Bader, Hans) (Entered: 10/13/2017)
10/24/2017		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than November 20, 2017. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on October 24, 2017. (lcegs2) (Entered: 10/24/2017)
10/25/2017		Set/Reset Deadlines: Joint Scheduling Order Or Each Party Recommendation due by 11/20/2017. (mac) (Entered: 10/25/2017)
11/20/2017	<u>10</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Taaffe, Damon) (Entered: 11/20/2017)
11/22/2017		MINUTE ORDER. In view of <u>10</u> the parties' joint status report, the parties are directed to file a further joint status report, including an update on the parties' progress and a recommendation for further proceedings, if any, by no later than December 22, 2017. Signed by Judge Emmet G. Sullivan on November 22, 2017. (lcegs2) (Entered: 11/22/2017)
11/22/2017		Set/Reset Deadlines: Joint Status Report due by 12/22/2017. (znbn) (Entered: 11/22/2017)
12/11/2017	<u>11</u>	NOTICE of Appearance by Charles Devin Watkins on behalf of COMPETITIVE ENTERPRISE INSTITUTE (Watkins, Charles) (Entered: 12/11/2017)
12/19/2017	<u>12</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Taaffe, Damon) (Entered: 12/19/2017)
12/20/2017		MINUTE ORDER. In view of <u>12</u> the parties' joint status report, the parties are directed to file a further joint status report by no later than January 18, 2018. Signed by Judge Emmet G. Sullivan on December 20, 2017. (lcegs2) (Entered: 12/20/2017)
12/21/2017		Set/Reset Deadlines: Joint Status Report due by 1/18/2018 (mac) (Entered: 12/21/2017)
01/17/2018	<u>13</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Taaffe, Damon) (Entered: 01/17/2018)
02/13/2018		MINUTE ORDER. In view of <u>13</u> the parties' joint status report, the parties are directed to file a further joint status report by no later than February 20, 2018. Signed by Judge Emmet G. Sullivan on February 13, 2018. (lcegs2) (Entered: 02/13/2018)
02/13/2018		Set/Reset Deadlines: Joint Status Report due by 2/20/2018. (mac) (Entered: 02/13/2018)
02/16/2018	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Taaffe, Damon) (Entered: 02/16/2018)
03/07/2018		MINUTE ORDER. In view of <u>14</u> the parties' joint status report, the parties are directed to file a further joint status report by no later than March 22, 2018. Signed by Judge Emmet G. Sullivan on March 7, 2018. (lcegs2) (Entered: 03/07/2018)
03/07/2018		Set/Reset Deadlines: Joint Status Report due by 3/22/2018. (mac) (Entered: 03/07/2018)

03/22/2018	<u>15</u>	Joint STATUS REPORT by COMPETITIVE ENTERPRISE INSTITUTE. (Watkins, Charles) (Entered: 03/22/2018)
03/26/2018		MINUTE ORDER, In view of <u>15</u> the parties' joint status report, the parties are directed to file a further joint status report by no later than June 19, 2018. Signed by Judge Emmet G. Sullivan on March 26, 2018. (lcegs2) (Entered: 03/26/2018)
03/26/2018		Set/Reset Deadlines: Joint Status Report due by 6/19/2018. (mac) (Entered: 03/26/2018)
04/03/2018	<u>16</u>	NOTICE of Appearance by Sherri L. Morgan on behalf of UNITED STATES DEPARTMENT OF JUSTICE (Morgan, Sherri) (Entered: 04/03/2018)
06/19/2018	<u>17</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Morgan, Sherri) (Entered: 06/19/2018)
06/20/2018		MINUTE ORDER. In view of <u>17</u> the parties' joint status report, the parties are directed to file a further joint status report by no later than September 17, 2018. Signed by Judge Emmet G. Sullivan on June 20, 2018. (lcegs2) (Entered: 06/20/2018)
06/21/2018		Set/Reset Deadlines: Joint Status Report due by 9/17/2018. (mac) (Entered: 06/21/2018)
09/17/2018	<u>18</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Morgan, Sherri) (Entered: 09/17/2018)
09/18/2018		MINUTE ORDER. In light of <u>18</u> the parties' joint status report, the parties are directed to file a further joint status report by no later than November 17, 2018. Signed by Judge Emmet G. Sullivan on 9/18/2018. (lcegs2) (Entered: 09/18/2018)
09/18/2018		Set/Reset Deadlines: Further Joint Status Report due by 11/17/2018. (mac) (Entered: 09/18/2018)
09/28/2018	<u>19</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joshua M. Kolsky on behalf of UNITED STATES DEPARTMENT OF JUSTICE Substituting for attorney Damon Taaffe and Sherri Morgan (Kolsky, Joshua) (Entered: 09/28/2018)
11/19/2018	<u>20</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Kolsky, Joshua) (Entered: 11/19/2018)
11/20/2018		MINUTE ORDER. In light of <u>20</u> the parties' joint status report, the parties are directed to submit a further joint status report by no later than December 29, 2018. Signed by Judge Emmet G. Sullivan on 11/20/2018. (lcegs2) (Entered: 11/20/2018)
11/21/2018		Set/Reset Deadlines: Joint Status Report due by 12/29/2018. (mac) (Entered: 11/21/2018)
12/07/2018	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of UNITED STATES DEPARTMENT OF JUSTICE Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/07/2018)
12/26/2018	<u>22</u>	Unopposed MOTION to Stay <i>in Light of Lapse of Appropriations</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 12/26/2018)
12/27/2018		MINUTE ORDER granting <u>22</u> unopposed motion to stay in light of lapse of appropriations. Defendants are directed to notify the Court when appropriations are restored or if a continuing resolution is enacted. Signed by Judge Emmet G. Sullivan on 12/27/2018. (lcegs2) (Entered: 12/27/2018)
01/29/2019	<u>23</u>	NOTICE of Restored Government Funding by UNITED STATES DEPARTMENT OF JUSTICE (Cirino, Paul) (Entered: 01/29/2019)
01/29/2019		MINUTE ORDER directing the parties to file a joint status report with a recommendation for further proceedings by no later than February 18, 2019. Signed by Judge Emmet G. Sullivan on 1/29/2019. (lcegs2) (Entered: 01/29/2019)
01/30/2019		Set/Reset Deadlines: Joint Status Report due by 2/18/2019. (mac) (Entered: 01/30/2019)

02/19/2019	<u>24</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Cirino, Paul) (Entered: 02/19/2019)
02/20/2019		MINUTE ORDER. In light of the parties' joint status report, the parties are directed to file a notice of dismissal or, in the event the parties do not informally resolve this matter, a joint scheduling order by no later than March 12, 2019. Signed by Judge Emmet G. Sullivan on 2/20/2019. (lcegs2) (Entered: 02/20/2019)
02/21/2019		Set/Reset Deadlines: Joint Scheduling Order due by 3/12/2019. (mac) (Entered: 02/21/2019)